



08-29-07

ITF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
GILBERT P. HYATT )  
Serial No. 06/848,017 )  
Docket No. 307 )  
Filed: April 3, 1986 )  
For: AN INTEGRATED CIRCUIT FILTER )  
PROCESSOR )

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**PETITION FOR AN ACTION ON THE MERITS**  
**UNDER 37 CFR 1.181(A)(3)**

Hon. Commissioner For Patents  
P.O. Box 1450, Alexandria, VA 22313-1450  
Sir:

The Applicant respectfully petitions the Commissioner for his intervention to direct the Examiner to expeditiously provide the Applicant with an Action on the merits.

The PTO requires an expeditious response to amendments (MPEP 708, last paragraph):

All amendments before final rejection should be responded to within two months of receipt.

Further, the PTO requires that the instant application be advanced out of turn for examination for the following reasons (MPEP 708.01, item I):

Applications pending more than 5 years, including those which, by relation to a prior United States application, have an effective pendency of more than 5 years.

The instant application meets both of these criteria, it has been pending more than 5 years and it has an effective pendency of more than 5 years.

In view of the above, the Commissioner is hereby petitioned to direct the Examiner to immediately prepare an action in the instant application or, alternatively, to pass the instant application to issue.

The Applicant makes note that a decision has been rendered by the Federal Circuit in *Hyatt v. Dudas*, Appeal No. 2006-1171, on June 28, 2007 reversing the decision of the District Court.

Because this petition seeks to invoke the Supervisory authority of the Commissioner under 37 CFR 1.181(a)(3), a petition fee is not required and thus a fee authorization is not needed.

CERTIFICATION OF MAILING BY EXPRESS MAIL: I hereby certify that this correspondence is being deposited with the United States Postal Service with Express Mail post office to addressee service under 37 CFR 1.10, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with the express mail label number EV 339845925 on August 28, 2007.

Dated: August 28, 2007

Respectfully submitted,

A handwritten signature in cursive script, reading "Gilbert P. Hyatt", written over a horizontal line.

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